

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q91067

Rena NISHIZAWA, et al.

Appln. No.: 10/554,096

Group Art Unit: 1625

Confirmation No.: 1876

Examiner: Rita J. DESAI

Filed: October 21, 2005

For: NITROGEN-CONTAINING HETEROCYCLIC COMPOUNDS AND USE THEREOF

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. However, since a statement can be made, a statement is submitted herewith.

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98
U.S. Appln. No.: 10/554,096

Attorney Docket No.: Q91067

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for the foreign language listed WO-A1-2004-026873 document, Applicant encloses herewith a copy of a Communication from a foreign patent office (Supplementary European Search Report dated June 19, 2008) in a counterpart application citing it, indicating the degree of relevance found by the foreign patent office. Also, an English language abstract, submitted herewith, constitutes a concise statement of relevance for WO-A1-2004-026873.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge the statutory fee of and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

Date: July 29, 2008

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Mark Boland
Registration No. 32,197

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

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